

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

## **Memorandum Opinion**

This matter comes before the Court on the defendants' motion to dismiss based on a lack of subject-matter jurisdiction. [R. 6]. Federal district courts have original jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331. "Absent diversity of citizenship, federal-question jurisdiction is required. The presence or absence of federal-question jurisdiction is governed by the 'well-pleaded complaint rule,' which provides that federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint. The rule makes the plaintiff the master of the claim." *Caterpillar Inc. v. Williams*, 482 U.S. 386 at 392 (1987) (citing *Gully v. First National Bank*, 299 U.S. 109, 112-113 (1936)).

In this case, there is no diversity of citizenship, and none of Mr. Waddell's claims arise under the Constitution, laws, or treaties of the United States. He essentially claims that county inspectors failed to properly inspect roofing work at his residence, and then approved the work when they should not have. In his response to the motion to dismiss, Mr. Waddell addresses the merits of his case, but fails to address the jurisdictional deficit. Whether his claims are

meritorious or not, this Court lacks the authority to adjudicate them without subject-matter jurisdiction. Accordingly, the defendants' motion to dismiss [R. 12] is **Granted**. The plaintiff's complaint is **Dismissed** without prejudice to refiling in the appropriate state court.

**IT IS SO ORDERED.**



UNITED STATES DISTRICT JUDGE